

OGC 81-06061

17 July 1981

MEMORANDUM FOR: Director of Central Intelligence

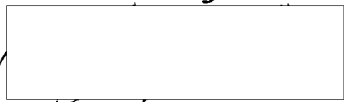
VIA: Deputy Director of Central Intelligence

FROM: General Counsel

SUBJECT: Federal Tort Claims Act Legislation

1. This memorandum is for your information only and requires no action. Congress is considering legislation to amend the Federal Tort Claims Act to provide for claims against the United States as the exclusive remedy for constitutional torts committed by federal employees acting within the scope of their employment. In principle, this legislation is highly favorable to Intelligence Community personnel as it will protect them from the harassment and potential financial devastation of a constitutional tort lawsuit arising from acts within the scope of their employment. Unfortunately, past legislative proposals to provide this protection have been laden with objectionable provisions requiring extensive formal disciplinary proceedings against employees, with the participation of the "victim" of the alleged constitutional tort and with judicial review of agency determinations.

2. In part through the effort of Agency attorneys, the objectionable provisions have been dropped from current legislative proposals. The Department of Justice has recently prepared a proposal containing the type of legislation we have sought to protect intelligence personnel. I have recently advised the Office of Management and Budget that we generally support the Department of Justice proposal with a few technical modifications. As the Department of Justice proposal moves forward in Congress, the Department may ask you to express strong support for the legislation.


Stanley Sporkin

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